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March 25, 2008

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/531,113

Filed: March 22, 2000

Title: Nucleic Acid Molecules and Other Molecules Associated  
with Plants

Applicants: Joseph R. BYRUM *et al.*

Atty. Docket: 16517.313

Adjustment date: 07/01/2008 CKHLOK  
03/26/2008 INTEFSW 00002181 502387 09531113

01 FC:1454 1410.00 CR

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office (PTO):

1. a Petition to Amend Priority Under 37 C.F.R. §1.78(a)(3); and
2. an Amendment under 37 C.F.R. §1.115.

Applicants request that the following fees be charged to Deposit Account No. 50-2387  
referencing docket number 16517.313:

\$ 1,410.00 petition fee

Applicants do not believe any fees, other than the above (\$1,410.00), are due in  
conjunction with this filing. However, if any additional fees are required in the present  
application, including any fees for extensions of time, then the Commissioner is hereby  
authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387  
referencing matter number 16517.313.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)  
David R. Marsh (Reg. No. 41,408)

Enclosures

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Confirmation No.: 4899

Joseph R. BYRUM *et al.*

Art Unit: 1634

Appln. No.: 09/531,113

Examiner: Cynthia B. WILDER

Filed: March 22, 2000

Atty. Docket No.: 16517.313

Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

**Petition to Amend Priority Under 37 C.F.R. § 1.78(a)(3)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to amend the priority claim in the above-captioned U.S. application under 37 C.F.R. § 1.78(a)(3). Authorization to charge the official fees for this Petition is given in the accompanying transmittal letter.

On March 22, 2000, the above-captioned U.S. Application (the “‘113 Application”) was filed. Applicants later filed an Amendment dated March 29, 2006, which added to the specification of the ‘113 Application a paragraph claiming priority to certain applications. A copy of the priority claim paragraph submitted in the Amendment dated March 29, 2006 is attached hereto as Exhibit 1. With this petition, Applicants request to further amend the priority claim.

In the Amendment under 37 C.F.R. § 1.115 filed herewith (the “Amendment”), Applicants have amended the claim for priority of the ‘113 Application to recite the prosecution status of the priority applications, and to reflect additional priority information for the ‘113

**Application determined by Applicants.** Applicants believe that the present Application is entitled to the priority claims as submitted in the Amendment and respectfully request that the information in the Amendment be entered.

Applicants assert that the entire delay between the date for making a priority claim under 37 C.F.R. § 1.78(a)(2)(ii) and the date such priority claim was made was unintentional, and respectfully request that the above-captioned U.S. Application be amended to reflect the priority for the invention now claimed.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

Jospeh R. BYRUM *et al.*  
Appln. No. 09/531,113  
Page 3

Authorization to charge the fee for submission of this Petition is given in the accompanying transmittal letter.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)  
David R. Marsh (Reg. No. 41,408)

Date: March 25, 2008

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**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: <u>06/23/08</u>		2 Serial/Patent # <u>09/531,113</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED							
<input type="checkbox"/> Filing			\$							
<input type="checkbox"/> Amendment			\$							
<input type="checkbox"/> Extension of Time			\$							
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<input checked="" type="checkbox"/> Petition		IFW	03/25/08 \$ 1,410.00							
<input type="checkbox"/> Issue			\$							
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		7 TOTAL AMOUNT OF REFUND	\$ <u>1,410.00</u>							
		8 TO BE REFUNDED BY:								
10 REASON:		Treasury Check								
<input type="checkbox"/> Overpayment		X	Credit Deposit A/C #:							
<input type="checkbox"/> Duplicate Payment		9 <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>5</td><td>0</td><td>--</td><td>2</td><td>3</td><td>8</td><td>7</td></tr></table>		5	0	--	2	3	8	7
5	0	--	2	3	8	7				
<input checked="" type="checkbox"/> No Fee Due (Explanation):		NO PETITION NECESSARY.								
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Patricia Faison-Ball</u>		TITLE: <u>Attorney</u>								
SIGNATURE: <u>Patricia Faison-Ball</u>		PHONE: <u>2-3212</u>								
OFFICE: <u>PETITIONS</u>										
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APPROVED: <u>CKB</u>		DATE: <u>7/1/08</u>								

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